

ADAMS, J.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOEL GARCIA,)	CASE NO. 3:08CV0905
)	
Petitioner,)	
)	JUDGE JOHN R. ADAMS
v.)	
)	<u>MEMORANDUM OF OPINION</u>
ERNIE MOORE, Warden,)	<u>AND ORDER RE: DISMISSING</u>
)	<u>PETITIONER'S APPLICATION FOR</u>
Respondent.)	<u>WRIT OF HABEAS CORPUS</u>

Petitioner *pro se* Joel Garcia filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, alleging one ground for relief which challenges the constitutional sufficiency of his prison term of nine years, of which five were designated as mandatory, for possession of cocaine, a felony of the first degree, in violation of Ohio Rev. Code § 2925.11(A)(C)(4)(f).

On May 23, 2008, the case was referred to Magistrate Judge Greg White for preparation of a report and recommendation pursuant to 28 U.S.C. § 636 and Local Rule 72.2(b)(2). *See* Order (Doc. 5).

After the respondent filed a Motion to Dismiss (Doc. 10), the Magistrate Judge submitted a Report and Recommendation (Doc. 14) recommending that the petition be dismissed as time-barred under the Antiterrorism and Effective Death Penalty Act ("AEDPA"), 28 U.S.C. § 2244(d).

Fed. R. Civ. P. 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service, but neither party has filed any such objections.¹ Therefore, the Court must assume that the parties are satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *Howard v. Secretary of Health and Human Services*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

Accordingly, the Report and Recommendation of the Magistrate Judge is hereby adopted. Joel Garcia's Petition for a Writ of Habeas Corpus will be dismissed.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

July 8, 2009
Date

/s/ John R. Adams
John R. Adams
U.S. District Judge

¹Although the petitioner was given an extension of time until May 28, 2009, he has not filed any objections to date. *See* Marginal Entry Order (Doc. 16) entered on May 1, 2009.